

PENALTIES FOR VIOLATION OF PUBLIC LAND FIRE
REGULATIONS RESULTING IN PROPERTY DAMAGE

OCTOBER 21, 2002.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4912]

The Committee on Resources, to whom was referred the bill (H.R. 4912) to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. PENALTIES FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS RESULTING IN
PROPERTY DAMAGE.**

(a) **INCREASED PENALTIES ON INTERIOR LANDS.**—Notwithstanding section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) or section 3 of the Act of August 25, 1916 (16 U.S.C. 3), a violation of the rules regulating the use of fire by visitors and other users of lands administered by the Bureau of Land Management or National Park System lands shall be punished by a fine of not less than \$1,000 or imprisonment for not more than one year, or both, if the violation results in damage to public or private property.

(b) **INCREASED PENALTIES ON NATIONAL FOREST SYSTEM LANDS.**—Notwithstanding the eleventh undesignated paragraph under the heading “SURVEYING THE PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C. 551), a violation of the rules regulating the use of fire by visitors and other users of National Forest System lands shall be punished by a fine of not less than \$1,000 or imprisonment for not more than one year, or both, if the violation results in damage to public or private property.

(c) **USE OF COLLECTED FINES.**—Any moneys received by the United States as a result of a fine imposed for a violation of fire rules applicable to lands administered by the Bureau of Land Management, National Park System lands, or National Forest System lands shall be available to the Secretary of the Interior or the Secretary of Agriculture, as the case may be, without further appropriation and until expended, for the following purposes:

(1) To cover the cost to the United States of any improvement, protection, or rehabilitation work rendered necessary by the action that resulted in the fine.

(2) To reimburse the affected agency for the cost of the response to the action that resulted in the fine, including investigations, damage assessments, and legal actions.

(3) To increase public awareness of rules, regulations, and other requirements regarding the use of fire on public lands.

PURPOSE OF THE BILL

The purpose of H.R. 4912 is to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Over the last ten years, human carelessness has been responsible for the ignition of just over one million fires, destroying 100,000 acres a year on average. By comparison, lightning has been the cause of roughly one-tenth the number of fires, though lightning-caused fires have resulted in more acres burned. Stiffer penalties may be one way to help reduce the number of fires attributable to people violating fire bans.

On National Forest System lands, current penalties for violating existing fire regulations specify a maximum fine of \$500 and six months imprisonment for violators. However, the fines are generally assessed at a far lower level, and jail time is rarely imposed. In many cases, fines levied are well below \$100, lacking any real deterrent value to would-be violators. In at least one case this season, a prospective visitor to a Colorado national forest contacted a district ranger about the potential fines for violating the recently imposed fire ban. When the visitor was informed that the fine for violating the ban was around \$50, he asked if there was a way to pay the fine in advance.

H.R. 4912 revised the penalties for violations of the rules relating the use of fire by visitors of public lands if such violation results in damage to public or private property. For Bureau of Land Management (BLM) lands, the maximum \$1,000 fine is changed to a minimum \$1,000 fine. For National Forest System lands and lands under the jurisdiction of the National Park Service (NPS), the penalties are adjusted from a maximum \$500 fine and six months imprisonment to a minimum \$1,000 fine and maximum 12 months imprisonment. The penalty monies are retained by the Secretary of the Interior (for BLM and NPS lands) or the Secretary of Agriculture (for National Forest System lands) and allows the funds to be used: (1) to cover the costs of improvement, protection, or rehabilitation work rendered necessary by the violation that led to the fine; (2) for reimbursement for fire response actions; or (3) to increase public awareness of rules, regulations and other requirements regarding the use of fire on public lands.

COMMITTEE ACTION

Congressman Thomas G. Tancredo (R-CO) introduced H.R. 4912 on June 11, 2002. The bill was referred primarily to the Committee on Resources and additionally to the Committee on Agriculture. Within the Committee on Resources, the bill was referred to the

Subcommittee on Forests and Forest Health and the Subcommittee on National Parks, Recreation and Public Lands. On October 8, 2002, the Full Resources Committee met to consider the bill. The Subcommittees were discharged from further consideration of the bill by unanimous consent. Mr. Tancredo offered an amendment which changed how the increased penalties were to be used. The amendment was adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. The Committee believes that enactment of this bill could possibly result in increased revenues to the federal government if the higher fines are levied against violators of fire regulations on public lands.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. Under this bill, the Secretary of Agriculture and the Secretary of the Interior can retain the fines for violations of fire rules and spend them for specified purposes relating to restoration, response or public education associated with fire regulations on public lands.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 17, 2002.

Hon. LARRY COMBEST,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I ask your cooperation to help schedule an early consideration by the House of Representatives of H.R. 4912, to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes.

H.R. 4912 was referred primarily to the Committee on Resources and additionally to your Committee. The Committee on Resources ordered the bill reported with an amendment on October 8, 2002, by voice vote. I have forwarded a copy of the reported text of the bill to your staff for review.

Because of the small number of days remaining in the 107th Congress, and because of the importance of this bill to its author, Congressman Tom Tancredo, I ask that you allow the Committee on Agriculture to be discharged from further consideration of this bill to expedite Floor scheduling. Of course, this action would not be considered as precedent for any future referrals of similar measures. Moreover, if the bill is conferenced with the Senate, I would support naming Agriculture Committee members to the conference committee. I would also be pleased to include this letter and your response in the report on H.R. 4912.

Mr. Chairman, I have been very pleased with the tremendous degree of cooperation between our two Committees this Congress on the many bills which affect our national forests. Your staff has been responsive and thoughtful, and my staff very much appreciates their support and teamwork. I hope that you will give my request serious consideration and I look forward to your response.

Sincerely,

JAMES V. HANSEN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, October 17, 2002.

Hon. JAMES V. HANSEN,
Chairman, Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of H.R. 4912, a bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes.

Under clause 1(a) of rule X, the Committee on Agriculture has jurisdiction over bills relating to forestry in general and forest re-

serves other than those created from the public domain. In exercising this jurisdiction, the Committee on Agriculture has worked cooperatively in the past with your Committee regarding general matters relating to forestry.

Aware of your interest in expediting this legislation, and after conferring with Chairman Goodlatte of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, I will be glad to waive further consideration of this measure so as to allow its timely consideration by the entire House of Representatives during the remainder of the 107th Congress.

This action is not intended to waive this Committee's jurisdiction over this matter for all purposes, and in the event a conference with the Senate is requested, I would appreciate your support in the naming of members from the Committee on Agriculture to the conference committee.

Thank you once again for the extraordinary cooperation this Congress in which our respective Committees have worked together and I look forward to working with you in the future on matters of shared jurisdiction.

Sincerely,

LARRY COMBEST,
Chairman.

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